

Held March 15, 1982

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Regular Session on Monday, March 15, 1982 at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Reverend Preston Dawes, Pastor of the Heritage United Presbyterian Church and City Chaplain, and the Pledge of Allegiance to the Flag with Mayor J. V. Stone presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor Nora Lake  
 Councilmembers Charles Taylor  
                           James Singer  
                           Russell Sweetman  
                           Shirley Heintz  
 Clerk of Council Marilyn McLaughlin  
 City Manager Darryl Kenning  
 Assistant City Manager Joseph Minner  
 City Planner Alan Schwab  
 Service Director Richard Bishop  
 City Engineer Karl Schab  
 Director of Finance William Bettcher  
 Chief of Police William Randolph  
 Municipal Attorney Robert Farquhar

Mayor Stone advised that, due to an unfortunate circumstance, Mr. Siler was unable to attend this Meeting. Mrs. Lake moved that Councilman Jeffrey Siler be excused from this Council Meeting. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

The Minutes of the following Meetings had been distributed prior to this Meeting:

Council Meeting - February 15, 1982.  
 Council Work Session Meetings - February 15, 1982.  
   - February 22, 1982.  
   - March 8, 1982.

Mr. Sweetman moved that the Minutes of the foregoing Meetings be approved, as distributed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion; however, Mrs. Lake abstained from the February 22, 1982 Meeting Minutes, Mayor Stone abstained from the February 15, 1982 Meeting Minutes.

Mayor Stone recognized in the audience for this Meeting, Matt Cleary, a student of Government at Normandy Elementary School.

Mrs. McLaughlin announced the receipt of a letter of resignation from Community Fiscal Analysis Committee Member Ronald Budzik.

Mrs. McLaughlin advised of a Notice from the Ohio Department of Liquor Control of an Application for a new D1 Permit from Ponderosa System, Inc., DBA Ponderosa Steakhouse, 6230 Far Hills Avenue. This is a Permit to sell low powered beer by glass or container on premises or in containers for carry out.

Mayor Stone reviewed Ronald Budzik's active participation in Centerville Government over the past years and reluctantly accepted Mr. Budzik's resignation from the Community Fiscal Analysis Committee.

Mayor Stone reviewed the National League of Cities Meeting recently held in Washington, D.C., attended by himself, Deputy-Mayor Nora Lake, Councilman Russell Sweetman and Councilwoman Shirley Heintz.



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Mayor Stone advised that he, with other area representatives, met with Director of Transportation David Weir in Columbus, Ohio, to support the improvement of State Route 725. This Meeting took place on March 12, 1982.

Mr. Taylor read a Proclamation issued by Mayor Stone designating the week of March 15 through March 21, 1982 as International Awareness Week in the City of Centerville. Said Proclamation was presented to Mrs. Terry Plasko, representing American Field Service.

Mrs. Heintz read a Proclamation issued by Mayor Stone designating the week of April 18 through April 24, 1982 as Volunteer Recognition Week in Centerville.

Mayor Stone recognized students in the audience studying Government at the Centerville High School.

Mr. Kenning reported the following during his City Manager's Report: Annexation Petitions have been filed with the Greene County Commissioners for approximately 39 acres in Greene County to be annexed to the City of Centerville. The area in question is located south of Centerville Station Road and east of Centerville's Corporation Line.

The State of Ohio will open bids submitted on the Main Street repair and resurfacing project on April 20, 1982. Said work to be completed on certain portions of North and South Main Street in the City of Centerville.

The cost for the Law Enforcement Automatic Data System will be increased July 1, 1982 by approximately 43 percent. This System links the City of Centerville Police Department via teletype with the State Highway Patrol and other police agencies in the State of Ohio and ultimately across the Country.

Mr. Kenning reviewed the Police Activity Report for the month of February, 1982.

Mr. Kenning reviewed the Annual Conference he attended in New York City, of the National Council of Community Mental Health Centers. His attendance was as Chairman of the Board of Trustees of the South Community Mental Health Center which serves the South of Dayton area.

#### TIBBETTS HARDWARE HOME CENTER

Mr. Kenning reviewed the Planning Commission Meeting held February 23, 1982. Mr. Schwab reviewed an Application submitted by Tibbetts Hardware Home Center for Temporary Outdoor Seasonal Sales at their location in the Centerville Place Shopping Center, 1031 South Main Street. The Planning Commission unanimously recommended approval for outdoor sales of seasonal merchandise for Tibbetts from March 15, 1982 through June 15, 1982, as requested by the Applicant. The area involved is the sidewalk area in front of the store approximately 4 feet by 50 feet.

Mr. Mark Miller, Manager for Tibbetts Hardware Home Center, reviewed their request to sell seasonal merchandise outdoors for just three months.

Mr. Singer moved that the Application submitted by Tibbetts Hardware Home Center for Temporary Outdoor Seasonal Sales be approved, as recommended by the Planning Commission. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mrs. Lake emphasized the fact that this is a seasonal Permit and cannot be extended beyond the three month period, nor can another Permit be issued for the same season. Only two such Permits are available during one calendar year to the same Applicant.

Mr. Singer advised that the Council Legislative Committee met on February 15, 1982 to review a Lot Split at the end of Stanley Hill Drive in Centerville. The Committee concluded that proper procedure was followed, the action by the Planning Commission was proper, and additional legislation to remedy the situation is not necessary. Mr. Taylor moved that the report of the Council



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Legislative Committee be accepted. Mr. Sweetman seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Mr. Sweetman announced the Meeting scheduled for the Miami Valley Cable TV Council at the Kettering Government Center on Wednesday, March 17, 1982 to begin at 7:30 P.M.

ORDINANCE NUMBER 19-80 ZONING ORDINANCE AMENDMENT REZONING

Councilmembers Russell Sweetman and Shirley Heintz left the Meeting at this time, due to a potential conflict of interest with this agenda item. Mr. Kenning reviewed the Rezoning Request filed by Perfect Real Investment for property located at the northeast corner of Alexandersville-Bellbrook Road and Loop Road in the City of Centerville. This Request, filed in 1980, has been reviewed by Council in Work Sessions resulting with the following Deed Restrictions:

1. That there shall only be one opening for ingress and egress from said twenty-one and 400/1000 acres, more or less, onto Alexandersville-Bellbrook Road and shall be for roadway purposes.

2. There shall be a public street from said twenty-one and 400/1000 acres, more or less, onto Loop Road, the centerline of said public street shall be 1040 feet north of the centerline of Alexandersville-Bellbrook Road.

3. There shall only be two additional openings for ingress and egress from said twenty-one and 400/1000 acres, more or less, onto Loop Road, other than the public street referred to in 2 above, neither of which said other openings shall be closer than 400 feet north of the centerline of Alexandersville-Bellbrook Road and said openings shall be for roadway purposes.

4. The above referred to public street and all openings for ingress and egress for roadway purposes shall conform in width to and construction requirements of the applicable regulations governing the same by the local governmental authorities.

5. Nothing herein contained shall prevent these restrictions being waived or modified, in whole or in part, by legislative action of the appropriate governmental authority.

6. These restrictions shall be contained in all subsequent deeds by grantors or grantees herein, their successors, heirs or assigns.

Mr. Kenning advised that these Deed Restrictions have been approved by the Municipal Attorney and recorded in the Montgomery County Records Office. Mr. Taylor sponsored Ordinance Number 19-80, An Ordinance Amending Ordinance Number 15 Dated December 11, 1961, The Zoning Ordinance, By Rezoning 63.3 Acres, More Or Less, From EC And I1 Classification To Centerville B2 And R4 Classification, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in four ayes in favor of the motion.

Mr. Sweetman and Mrs. Heintz returned to the Meeting at this time.

ORDINANCE NUMBER 7-82 SISTER CITY COMMITTEE

Mr. Sweetman moved that Ordinance Number 7-82, An Ordinance To Appoint Philip C. Marriott To The Sister City Committee For The City Of Centerville, Ohio, And Establish A Term Of Office, be set for Public Hearing on April 5, 1982. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

RESOLUTION NUMBER 4-82 WHIPP ROAD

Mr. Kenning reviewed a proposed Agreement between the City of Centerville and the Miami Valley Regional Planning Commission on behalf of the Transportation Coordinating Committee to set up and operate a citizens participation process for the Whipp Road Improvement Project. The proposed improvement continues east from State Route 48 to the Kettering Corporation Line. Upon question of Mrs. Lake, Mr. Kenning advised that the cost of



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the Agreement is \$6,300.00. As questioned by Mrs. Heintz, Mr. Schab advised that construction will begin in 1986, this is a long and involved process. Mrs. Heintz sponsored Resolution Number 4-82, A Resolution Authorizing And Directing The City Manager To Enter Into An Agreement Between The City Of Centerville And The Miami Valley Regional Planning Commission On Behalf Of The Montgomery-Greene County Transportation And Development Planning Program For Implementation Of The Transportation Development Process Relative To Improvements Of Whipp Road In The City Of Centerville, Ohio, and moved that it be passed. Mr. Singer seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

## RESOLUTION NUMBER 5-82 ADVANCE OF TAXES

Mr. Kenning reviewed a proposed request for an advance on Real Estate Taxes collected for the City of Centerville. Mr. Sweetman sponsored Resolution Number 5-82, A Resolution Requesting An Advance Of Sixty-Five Thousand (\$65,000.00) Dollars Out Of The Current Collection Of Real Estate Taxes Assessed And Collected On Behalf Of The City Of Centerville, and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

## RESOLUTION NUMBER 6-82 WRIGHT HOUSE

Mr. Kenning reviewed a proposed Agreement between the City of Centerville and the Ohio Historical Society to finalize a grant to be used in the restoration of the Ashel Wright House located in the center of town. Upon question of Mr. Sweetman, Mr. Kenning advised that approximately \$100,000.00 has been expended thus far on this project, including acquisition. Mrs. Lake sponsored Resolution Number 6-82, A Resolution Authorizing And Directing The City Manager To Execute An Agreement Between The Ohio Historical Society And The City Of Centerville, Ohio, In The Matter Of A Grant-In-Aid Under The National Historic Preservation Act Of 1966 For The Preservation Of The Wright House, and moved that it be passed. Mrs. Heintz seconded the motion. A roll call vote resulted in six ayes in favor of the motion. Mr. Sweetman emphasized the fact that no City monies have been used in this restoration project.

## RESOLUTION NUMBER 7-82 SERVICE CLUB WEEK

Mayor Stone read proposed Resolution Number 7-82, A Resolution Designating The Week Of March 21, 1982 As Service Club Week In The City Of Centerville, Ohio. Mr. Sweetman sponsored Resolution Number 7-82 and moved that it be passed. Mrs. Lake seconded the motion. A roll call vote resulted in six ayes in favor of the motion.

Upon suggestion of Mr. Sweetman, Mr. Kenning will arrange a briefing relative to the Bid Set prepared for the 1982 Centerville Street Resurfacing Project, for those interested.

There being no further business, the Meeting was adjourned.

Approved: 

Mayor

ATTEST:

  
Clerk of Council